

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 15, 2016

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

SERGIO MAGANA, JR.,

Defendant.

No. 4:15-CR-6036-SMJ

**PROTECTIVE ORDER FOR
MINORS AND ORDER RE:
COMPLIANCE WITH 18 U.S.C. §
3509(D)**

Before the Court, without oral argument, is Government's Motion for a Protective Order, **ECF No. 45**. Having reviewed the pleadings and the file in this matter, the Court is fully informed and **GRANTS** the motion.

IT IS HEREBY ORDERED, that the privacy protection measures mandated by 18 U.S.C. § 3509(d), when a case involves a person under the age of eighteen years who is alleged to be a victim of a crime of sexual exploitation, or a witness to a crime committed against another person, apply to this case, thus;

IT IS FURTHER ORDERED that all persons acting in this case in a capacity described in 18 U.S.C. § 3509(d)(1)(B), shall follow and abide by the privacy protections of 18 U.S.C. § 3509(d)(1) and (2) as follows:

(d) Privacy protection.--

1 (1) Confidentiality of information.—

2 (A) A person acting in a capacity described in subparagraph (B) in
3 connection with a criminal proceeding shall--

4 (i) keep all documents that disclose the name or any other
5 information concerning a child in a secure place to which no
6 person who does not have reason to know their contents has
7 access; and

8 (ii) disclose documents described in clause (i) or the information
9 in them that concerns a child only to persons who, by reason of
10 their participation in the proceeding, have reason to know such
11 information.

12 (B) Subparagraph (A) applies to--

13 (i) all employees of the Government connected with the case,
14 including employees of the Department of Justice, any law
15 enforcement agency involved in the case, and any person hired
16 by the Government to provide assistance in the proceeding;

17 (ii) employees of the court;

18 (iii) the defendant and employees of the defendant, including the
19 attorney for the defendant and persons hired by the defendant or
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1 the attorney for the defendant to provide assistance in the
2 proceeding; and

3 (iv) members of the jury.

4 (2) Filing under seal.--All papers to be filed in court that disclose the name
5 of or any other information concerning a child shall be filed under seal
6 without necessity of obtaining a court order. The person who makes the filing
7 shall submit to the clerk of the court--

8 (A) the complete paper to be kept under seal; and

9 (B) the paper with the portions of it that disclose the name of or other
10 information concerning a child redacted, to be placed in the public
11 record.

12 IT IS FURTHER ORDERED that counsel shall remind all persons providing
13 assistance on this case of these obligations.

14 IT IS FURTHER ORDERED that any alleged minor victim will be referred
15 to either by initials or a pseudonym, whichever is agreed upon by counsel for the
16 United States and the Defendant. Counsel shall be consistent in their use of the
17 identifier selected. The parties shall prepare their witnesses and instruct them to
18 refer to the alleged minor victims only by using the agreed pseudonyms (e.g., "Jane
19 Doe 1", "Jane Doe 2" etc.), rather than their names, in opening statements and in
20 closing arguments.


1 IT IS FURTHER ORDERED that all personal information relating to any
2 minor victim shall be precluded from public disclosure.

3 Accordingly, IT IS HEREBY ORDERED:

4 1. Government's Motion for Protective Order, **ECF No. 45, is GRANTED.**

5 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and
6 provide copies to all counsel.

7 **DATED** this 15th day of June 2016.

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9 
10 SALVADOR MENDEZ, JR.
United States District Judge